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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/313,216 05/18/99 SILVERMAN

D 3432.80970

EXAMINER

LM02/0916

BANNER & WITCOFF LTD
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WASHINGTON DC 20001-4597

COSIMANO, E

ART UNIT

PAPER NUMBER

2761
DATE MAILED:

09/16/99

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.

09/313,216

Applicant(s)

Silverman et al

Examiner

EDWARD COSIMANO

Group Art Unit

2761



☒ Responsive to communication(s) filed on May 5, 1999

☐ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire THREE month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claims

☒ Claim(s) 12-28 is/are pending in the application.

Of the above, claim(s) None is/are withdrawn from consideration.

☐ Claim(s) _____ is/are allowed.

☒ Claim(s) 12-28 is/are rejected.

☐ Claim(s) _____ is/are objected to.

☐ Claims _____ are subject to restriction or election requirement.

Application Papers

☒ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☒ The drawing(s) filed on May 5, 1999 is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.

☒ The specification is objected to by the Examiner.

☒ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

☒ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☒ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been
☐ received.

☒ received in Application No. (Series Code/Serial Number) 08/475,499.

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

☒ Notice of References Cited, PTO-892

☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). _____

☐ Interview Summary, PTO-413

☒ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

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1. Applicant should note the changes to patent practice and procedure effective December 01, 1997 as published in the Federal Register, Vol 62, No. 197, Friday October 10, 1997.

2. The oath or declaration is defective. A new oath or declaration in compliance with 37 C.F.R. § 1.67(a) identifying this application by its Serial Number and filing date is required. See M.P.E.P. §§ 602.01 and 602.02.

2.1 The oath or declaration is defective because:

A) Post Office address of applicant Christopher Ordish does not appear in the declaration filed May 05, 1999 as required by 37 C.F.R. § 1.63(a)(3).

3. Applicant has not complied with one or more conditions for receiving the benefit of an earlier filing date under 35 U.S.C. § 120 as follows:

3.1 An application in which the benefits of an earlier application are desired must contain a specific reference to the prior application(s) in the first sentence of the specification (37 CFR 1.78).

4. The drawings filed December 19, 1995 are objected to because:

A) the drawings must show every feature of the invention specified in the claims, therefore, the subject matter of claim(s) 12-28, in regard to a single display with 4 to 7 sections as recited, must be shown in the drawings as required by 37 CFR § 1.83(a) or the feature(s) canceled from the claim(s) (note: no new matter should be entered).

B) applicant must provide labels, which are clearly descriptive of the function performed by component represented by the depicted feature, for boxes 1, 11, 101, 102, 103 & 104 of fig. 1 (37 CFR § 1.84(o)).

C) the following errors have been noted in the drawings:

(1) the drawing lack reference number 100 as disclosed at page 10, line 20, and required by 37 CFR § 1.84(p(5)).

(2) the drawings lack fig. 5 as disclosed at:

(a) page 10, line 15;

(b) page 11, line 13; and

(c) page 17, line 3.

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(3) fig. 2 does not depict what is disclosed between page 14, line 21, and page 15, line 16.

(4) in figs. 4 & 4A:

- (a) "8" should be --408--;
- (b) "9" should be --409--; and
- (c) "0" should be --410--.

Correction is required.

4.1 Applicant is required to submit a proposed drawing correction in response to this Office action (37 CFR § 1.121(a)(3)(ii)). However, correction of the noted defect can be deferred until the application is allowed by the examiner.

5. The disclosure is objected to because of the following informalities:

A) applicant must update:

(1) the continuing data on page 1 (note above in section (3)), with the current status of each of the referenced applications, e.g., --now abandoned--, or --now patent #?--, or --which is abandoned and now serial number #?--, etc.

B) the specification lacks an explicit reference to the nature of:

(1) reference legend(s):

- (a) "8", "9" & "0" of figs. 4 & 4A; and
- (b) 510 of fig. 5B,

as required by 37 CFR § 1.84(p(5)). It is noted that merely mentioning a number with out mentioning the device or operation of the step relies on the drawing to provide support for the disclosure and not to aid in the understanding of the invention, as is the purpose of the drawings (37 CFR § 1.81(a,b)).

C) the following errors have been noted in the specification:

(1) the specification lacks an brief description of figs. 4A, 5A & 5B as required by 37 CFR § 1.74.

(2) at page 10, line 15, "3-7" should be --3, 4, 4A, 5A, 5B, 6 and 7--.

(3) at page 11, line 13, "3-6" should be --3, 4, 4A, 5A, 5B, 6 and 7--.

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(4) at page 17, line 3, "3-6" should be --3, 4, 4A, 5A, 5B, 6 and 7--.

Appropriate correction is required.

6. The specification and drawings have not been checked to the extent necessary to determine the presence of all possible minor errors. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification or drawings. Applicant should note the requirements of 37 CFR § 1.74, § 1.75, § 1.84(o,p(5)) & § 1.121(a)(1)-1.121(a)(6).

7. The following is a quotation of 35 U.S.C. § 103 which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

(c) Subject matter developed by another person, which qualifies as prior art only under subsection (f) or (g) of section 102 of this title, shall not preclude patentability under this section where the subject matter and the claimed invention were, at the time the invention was made, owned by the same person or subject to an obligation of assignment to the same person.

7.1 Claims 12-28 are rejected under 35 U.S.C. § 103(a) as being unpatentable over either Shavit et al (4,799,156) or Wagner (4,903,201) or Silverman et al (5,077,665 or 5,136,501) in view of an obvious need.

7.1.1 In regard to the displaying of trading information as recited in claims 12-28, since either Shavit et al ('156) or Wagner ('201) or Silverman et al ('665 or '501) require an user to input data about offers to either buy or sell items, it would have been obvious to one of ordinary skill at the time the invention was made that the systems of either Shavit et al ('156) or Wagner ('201) or Silverman et al ('665 or '501) would display information about the offers and trades to the user.

8. The shorten statutory period of response is set to expire 3 (three) months from the mailing date of this Office action.


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9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Edward Cosimano whose telephone number is (703) 305-9783. The examiner can normally be reached Monday through Thursday from 7:30am to 6:00pm. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Todd Voeltz, can be reached on (703)-305-9714. Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 305-3800.

9.1 The fax phone number for UNOFFICIAL FAXES for this group is (703) 305-0040.

9.2 The fax phone number for OFFICIAL FAXES for this group is either (703) 308-9051 or (703) 308-9052.

09/11/99


Edward R. Cosimano
Primary Examiner A.U. 2761